

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

February 11, 2004

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **Annual Legislative and Regulatory Update Presentation** *(John Anderson)*

On January 20, 2004, John Anderson gave a presentation "Annual Regulatory Update: A Review of Significant Changes in 2003 and What to Expect in 2004" at the San Diego Environmental Professionals (www.sdep.org) monthly meeting at the Doubletree Club Hotel in Mission Valley. Mr. Anderson presented and discussed the new regulations that became effective after January 1, 2004 that affects the California Water Code and other regulations that the Regional Board implements. Approximately 55 environmental attorneys and consultants attended.

2. **Water Quality Goals Training** *(Hashim Navrozali and Tony Felix)*

On November 25, 2003, Sabine Knedlik, John Phillips, Hashim Navrozali, Tony Felix, Brennan Ott, and Bryan Ott of the San Diego Regional Board attended the Water Quality Goals training in Riverside. Jon Marshack, Staff Environmental Scientist of the Central Valley Regional Board, conducted the training. Mr. Marshack provided information on the procedures for establishing numerical and narrative water quality limitations for various chemical constituents that impact designated beneficial uses and quality of receiving waters. The training also examined the relationship between water quality decision-making and antidegradation laws.

Numerical and narrative receiving water limitations are generally derived from many sources, including California and Federal Drinking Water Standards, Public Health Goals, and California State Action Levels. These can provide a uniform method and a convenient source of numerical limits for consistently determining compliance with California's water quality standards. Hence, these limitations may be used to verify whether beneficial uses and water quality parameters of surface and groundwater are adequately protected.

3. **New Staff Reassignments** *(Michael McCann)*

As of February staff members Chiara Clemente, Dr. Charles Cheng, and Sherrie Komeilyan have new assignments on our staff. While these reassignments are necessary to balance resource allocation and workload needs, the reassignments also satisfy requests by the three staff to work in their new assignments. Chiara Clemente, an Environmental Scientist, will leave the Public Owned Treatment Works (POTW) Unit to work in our newly formed Grants and Projects Assistance Unit. Dr. Charles Cheng, an Engineering Geologist, will move from the Site Mitigation and Cleanup Unit to the POTW Unit. Sherrie Komeilyan, a Water Resource Control Engineer, will join the Site Mitigation and

Cleanup Unit from the Industrial Compliance Unit. All three have done excellent work in their past assignments and are looking forward to their new duties.

4. Cruise Ship Roundtable (*Pete Michael*)

On January 21 Pete Michael of the Marine Waters Unit attended a public roundtable in San Diego sponsored by the Pacific States/British Columbia Oil Spill Task Force (www.oilspilltaskforce.org/). This organization was created in 1989 by state governors in response to the Nestucca oil barge spill to Puget Sound, Washington and the Exxon Valdez oil tanker spill to Prince William Sound, Alaska. The Task Force addresses plans to protect 56,000 miles of Pacific Coast and Hawaii coastline. Speakers included Carlton Moore, Administrator of the California Office of Spill Prevention and Response (OSPR) of the California Department of Fish and Game and representatives of the Bluewater Network, Carnival Corporation, USEPA, U.S. Coast Guard, and other organizations with interests in cruise ships. The Department of Fish and Game is the designated lead California agency for oil spills; however, the State Water Resources Control Board also participates on the Cruise Ship Task Force (www.swrcb.ca.gov). Recent cruise ship legislation was described in Part C of the November 12, 2003 San Diego Region Executive Officer Report (http://www.swrcb.ca.gov/rwqcb9/eo_report/reports/11-12-03eo.pdf).

An agreement has been reached between California and the cruise ship industry that ships will avoid discharging black water (human waste mixed with wash water) and gray water (wash water only from sinks and showers) into near-shore waters out to four miles from shore. Bluewater Network noted that only four ships of the fleet are equipped with advanced wastewater treatment units able to treat both black water and gray water, and that there have been numerous discharge violations resulting in enforcement fines from the Coast Guard. The industry countered that much progress has been made and that both voluntary compliance programs and regulatory solutions are appropriate to protect coastal waters. An example was cited of a regulatory action taken by the City Council of Monterey, California against Crystal Cruises as a result of a discharge of 36,000 gallons of black water, gray water, and processed bilge water to the Monterey Bay National Marine Sanctuary in violation of an agreement with the industry. The 940-passenger *Crystal Harmony*, a ship operated by Crystal Cruises, a line owned by Tokyo-based Nippon Yusen Kaisha, was banned for life from Monterey Harbor in March 2003. Monterey banned all ships of Crystal Cruises for 15 years in response to the five-month delay by the company in reporting the spill.

USEPA and the Coast Guard observed at the roundtable that there are no federal standards for gray water discharges but that states are not prohibited from adopting such standards. USEPA noted that the Agency could create a task force to address discharges from vessels. Several speakers representing industry and other oil spill task force member organizations noted the need for increased participation by environmental organizations on cruise ship task forces. The next Task Force annual meeting will be held in Hawaii during July 2004.

PART B
SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) (*Chiara Clemente, David Hanson, Bryan Ott, Victor Vasquez*)
(Attachment B-1)

From January 1 to January 31, 2004, there were 21 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; 10 of these spills reached surface waters or storm drains of which four resulted in closure of recreational waters. Of the total number of overflows from public systems, four were 1,000 gallons or more.

Seven sewage overflows from private property in January were also reported; one overflow was 1,000 gallons or more; two reached surface waters or storm drains; and none resulted in closure of recreational waters.

A total of 0.34 inches of rainfall was recorded at San Diego's Lindbergh Field in January 2004. For comparison, in December 2003, 0.61 inches of rainfall was recorded, and 18 public SSOs were reported. Also for comparison, in January 2003, 0.02 inches of rainfall were recorded and 34 public SSOs were reported.

Attached is a table entitled "Sanitary Sewer Overflow Statistics," updated through January 31, 2004, which contains a summary of all sanitary sewer overflows (by FY) from each agency since FY 2000-01. From July 1, 2003 through January 31, 2004, approximately 78 billion gallons of sewage was conveyed of which 3.0 million gallons was spilled (0.004%).

For additional information on SSOs in FY 2002-2003 see the table entitled "Public SSO Statistics Summary for FY 2002-2003 (July 1-June 30)" attached to the January 2004 Executive Officer's Report (available on the Regional Board's website www.swrcb.ca.gov/rwqcb9).

One of Notice of Violation (NOV) was issued in January for recent significant overflows. The NOV issued is described below:

Easter Municipal Water District
NOV No. R9-2004-0030

Eastern Municipal Water District (District) notified this office of a 1,630-gallon sewage overflow from the District's wastewater collection system at the end of Sugarberry Lane, in Murrieta, that occurred on January 6, 2004. The District reported that this overflow occurred due to a manhole blockage caused by dirt and sand. The overflow reached Warm Springs Creek, tributary to Murrieta Creek. The local health agency was notified and signs were posted for 7 days following the overflow.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in January 2004 (*Stacey Baczowski*)

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION ¹
1/6/04	Mission Valley Country Club	Cart Path Replacement	Construction of a cart bridge and stabilization of an embankment.	Conditional
1/9/04	City of Oceanside	Buena Vista Creek Channel Repair	Repair and replace the existing concrete north embankment of Buena Vista Creek.	Conditional
1/12/04	Murrieta 492; LLC	Murrieta Apartments 492	Construction of two road crossings associated with residential development.	Conditional
1/16/04	City of Temecula	Pechanga Parkway Phase II Improvements	Widening of Pechanga Parkway from SR-79 south to Via Gilberto into a six-lane road and from Via Gilberto to Pechanga Road into a four-lane road.	Conditional
1/26/04	Continental Maritime San Diego	Fender Pile Replacement Project	Removal and replacement of existing wood fender piles.	Conditional
1/26/04	Navy, Southwest Division	Periodic Replacement of Navy Piers and Shoreline Structures, San Diego Metro	Periodic replacement of navy piers and shoreline structures, within San Diego Bay.	Conditional
1/28/04	Southwest Marine, Inc.	Bulkhead Extension	Construction of sheet pile bulkhead and associated backfilling in San Diego Bay.	Conditional
1/28/04	City of Oceanside	Pacific Street Bridge	Construction of a permanent two-lane roadway bridge across the San Luis Rey River.	Conditional

¹ Standard certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the projects will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines.

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

3. Grants Update (*David Gibson*) (*Attachment B-3*)

The State Water Resources Control Board (SWRCB) conducted a workshop on February 3, 2004 on the Consolidated Watershed Protection, Watershed Management, and Non-Point Source Pollution Control Grants (Consolidated Grants). The workshop addressed 33 proposals in the Proposition 13 Non-Point Source, Coastal Non-Point Source and Watershed Protection grant programs (Attachment B-3). The highest scored proposals in these programs that were technically ready and contract ready were presented for approval. Of the 14 San Diego Region Proposals that were highly rated, 10 were technically ready and contract ready to be included on the workshop agenda. The SWRCB will consider adoption of a resolution approving proposals and authorizing issuance of contracts and amendments to implement the Consolidated Grants on February 19, 2004. In addition, the remaining proposals recommended for funding in these programs that were not technically ready or contract ready will be considered in a June 2005 SWRCB workshop. The SWRCB will consider proposals recommended for funding in the federal 319(h) Non-Point Source Pollution Reduction program and the Proposition 13 and 50 CALFED/Bay Delta programs at a later workshop.

4. Final Time Schedule Order Report Received for the Mission Valley Terminal Cleanup (*Kelly Dorsey and Julie Chan*)

The Final Summary Report, required by Time Schedule Order (TSO) R9-2002-0042 was received by the Regional Board on the due date of February 2, 2004. This report is the culmination of a two-year effort by Kinder Morgan to expand its cleanup system and propose milestone cleanup dates for the off-site soil and groundwater contamination centered in the Qualcomm Stadium parking lot. In the Summary Report, Kinder Morgan proposed Implementation Milestones and Cleanup Milestones for the cleanup project. Implementation Milestones are for construction of additional cleanup systems. Cleanup Milestones are dates for achieving specific reductions in the mass flux of MTBE and benzene, reductions in soil gas benzene concentrations, and reductions in measurable free product thickness in the stadium parking lot.

Regarding Implementation Milestones, Kinder Morgan proposed to complete the installation of 13 soil vapor extraction wells and activate them all by August 1, 2004. Additionally, Kinder Morgan proposed the installation of a containment barrier at the terminal's southern property boundary by December 31, 2005. Kinder Morgan proposed to operate these systems for three years, then evaluate their performance at meeting the proposed cleanup levels. A report on system performance would be submitted to the Regional Board by June 1, 2009.

The proposed cleanup levels and milestone dates are as follows:

- Keep the mass flux of MTBE across Transect 2 (south of the stadium) below 5 grams per day. This cleanup milestone is being met at this time.

- Reduce contaminants of concern for human health risks (mainly benzene) below target soil gas concentrations for the stadium complex. This cleanup milestone is being met at this time.
- Reduce free product thickness (where measurable) to less than 0.01 foot in the stadium parking lot by January 2007.
- Reduce the mass flux of MTBE to 5 grams per day at wells RW-8 and RW-9 with the off-terminal and on-terminal cleanup systems operational. For benzene, reduce the mass flux at these wells to less than 1 gram per day. For Well RW-9, the milestone cleanup date is January 2011, and for Well RW-8 the date is January 2012.
- Reduce the mass flux of contaminants across the terminal property boundary and from the stadium parking lot source area to less than 5 grams per day MTBE and 1 gram per day benzene with the off-terminal cleanup system shut down. Because of uncertainty in estimating the time required to sufficiently deplete the MTBE and benzene from the off-site source area and the ultimate performance of the new cleanup systems, the milestone cleanup date for this cleanup level is estimated to be between 2015 and 2034.

Kinder Morgan has agreed to pay for independent consultants under the direct supervision of the Regional Board to review this report, and all supporting documents. Dr. Margaret Eggers (Eggers Environmental, Inc.) and Dr. Paul Johnson (Arizona State University) were selected by the Regional Board and are in the process of developing written comments on the Summary Report. The Regional Board's next step is to consider the Summary Report, and comments from the City and any other interested parties, and amend Cleanup and Abatement Order 92-01 to incorporate these, or alternative cleanup levels and milestone cleanup dates for the off-terminal soil and groundwater contamination.

The Regional Board received a letter report from the City of San Diego on February 2, 2004, stating that Kinder Morgan's cleanup strategy must accommodate the development of the Mission Valley aquifer, a process the City plans to begin in 2005. The City requested the Regional Board to order Kinder Morgan to conduct a free product source zone characterization study with a workplan due in April 2004 and complete the study by July or August 2004. The City also recommended that Kinder Morgan fund a third-party performance assessment of the present remediation system and determine the efficacy of contaminant removal over the next 17 months. The City also requested that the Regional Board defer to the City regarding the likelihood of redevelopment of the site and its changing land use as well as the timing of implementation of groundwater use and storage programs for the Mission Valley aquifer.

5. San Diego Region Wildfires Update (Stacey Baczkowski)

San Diego County municipal storm water copermittees affected by the October 2003 wildfires continue to actively address erosion and sediment issues. To date, the Regional Board has received no notification of significant erosion, landslides, or discharges of sediment/ash to waters of the State. The Regional Board has received a small number of complaints alleging unauthorized discharge of fire debris (e.g., concrete, vegetation, trash) into waters of the State. Of the complaints that have been investigated to date, no significant discharge issues have been identified.

The California Department of Transportation (Caltrans) is pursuing coverage under the U.S. Army Corps of Engineers (ACOE) Regional General Permit No. 63 Repair and Protection Activities in Emergency Situations (RGP No. 63) for post-fire work. This includes replacement of safety features (e.g., guardrails, signs), installation of erosion and sediment best management practices, and culvert maintenance. The City of Poway (City) received coverage under RGP No. 63 for post-fire work in Poway and Rattlesnake Creeks. The City has started dredging pilot channels and is expected to complete the removal of approximately 4,500 cubic yards of silt/ash by March 1, 2004.

The Friends of Otay Valley Regional Park organized successful clean-up days on December 13, 2003 and January 17, 2004. Participants removed trash and debris that had been deposited over the years and was now readily accessible in the burned areas. Additional information on the clean-up effort can be found at <http://www.ovrp.org/cleanup/>.

6. Update on Wildfire Solid Waste Management (*John Odermatt*) (*Attachment B-6*)

The Regional Board Land Discharge Unit (LDU) staff continues coordinate our efforts with the public and other local, and State agencies on debris management issues in the aftermath of the wildfires that devastated large areas of the San Diego Region. The Regional Board LDU staff also remains in close contact with landfill operators and other State and local agencies (City and County) as they continue to work through various solid waste management issues associated with the cleanup effort.

On January 14, 2004, the Regional Board LDU staff reviewed and provided comments on the Final Debris Assessment Report prepared by the County of San Diego. During the month of January 2004, the Regional Board LDU staff responded to two separate complaints from the public alleging illegal discharges of fire related wastes in the Julian and Crest areas. In an attempt to verify the allegations, the Regional Board LDU staff conducted joint field observations with the County Local Enforcement Agency (LEA) on January 21, 2004. To date, sufficient evidence to support further regulatory action has not been obtained by staff field observations or provided to Regional Board by any interested parties.

To date, the management and disposal of wildfire solid wastes in San Diego County has been reported as follows:

City of San Diego: West Miramar Landfill - as of January 28, 2004, their records indicate approximately 17,076 tons of fire wastes. The City staff also provided further information on this total as follows:

Source(s) of Fire Debris	Tons	Percentage (%)
City of San Diego	15,150	88
County unincorporated areas	976	6
City of Poway	619	4
City of El Cajon	321	2
City of Escondido	9.7	0.05
Total =	17,076	100%

A graph of wildfire waste disposal at the West Miramar Landfill is illustrated on Attachment B-6a.

Allied Waste Inc.: Ramona, Sycamore and Otay Landfills - as of January 30, 2004 they report a total of 35,486 tons approximately distributed as follows:

Ramona LF - approximately 3,455 tons

Sycamore LF (east of City San Diego) – 31,485 tons with 475 tons of metal diverted. A summary of the sources of fire debris was provided for the Sycamore Landfill as indicated below:

Otay LF - 546 tons.

Disposal of wildfire wastes to Allied Waste Inc. Landfills (Sycamore, Ramona and Otay facilities) are reported as follows:

Source(s)	Oct-2003 in tons	Nov-2003 in tons	Dec-2003 in tons	Jan 1 – 25 th 2004 in tons	Total (tons)	Percent %
County	3	11,692	10,367	4,343	26,405	74%
El Cajon	28	2,869	1,672	422	4,991	14%
San Diego	1	1,427	765	112	2,305	6%
Poway	7	759	264	101	1,131	3%
Santee	0	279	18	17	314	1%
Ramona	0	55	31	0	86	<1
Barona	0	34	47	0	81	<1
Escondido	0	53	61	0	114	<1
San Marcos	0	27	0	0	27	<1
Campo	0	11	0	0	11	<1
Pala	0	0	9	0	9	<1

La Mesa	0	0	0	7	7	<1
Carlsbad	0	0	0	4	4	<1
TOTALS =	39	17,207	13,234	5,006	35,486	100%

A graph of wildfire waste disposal at the Allied Waste facilities (Sycamore, Ramona and Otay Landfills) is illustrated on Attachment B-6b.

At the outset of the disaster, the Regional Board LDU staff estimated the total amount of wildfire related debris would range between 150,000 and 300,000 tons (depending upon the level of cleanup at all sites). To date, approximately 52% of the generated wildfire wastes have reportedly been derived from County unincorporated areas while approximately 33% have come from the City of San Diego. The facilities receiving the most wildfire related wastes continue to be the Sycamore or West Miramar Landfills (both located in proximity to City of San Diego). The grand total is 52,562 tons of wildfire related wastes discharged to date and distributed as follows:

**OVERALL WILDFIRE WASTE MANGEMENT
SAN DIEGO COUNTY (Data through January 2004)**

Source(s)	Total (tons)	Percent %
County	27,381	52%
San Diego	17,455	33%
El Cajon	5,312	10%
Poway	1,750	3%
Santee	314	1%
Ramona	86	0.16%
Barona	81	0.15%
Escondido	124	0.24%
San Marcos	27	0.05%
Campo	11	0.02%
Pala	9	0.02%
La Mesa	7	0.01%
Carlsbad	4	0.01%
TOTALS =	52,562	100%

A graph of wildfire waste disposal data for the civilian landfills in San Diego County (Sycamore, Ramona, Otay, and West Miramar Landfills) is illustrated on Attachment B-6c.

Using staff's initial estimates compiled with data from the City of San Diego (Environmental Services Division), tempered by recent field observations and professional judgment, the LDU staff estimates that approximately 18 % of the total wildfire wastes in the San Diego County may have been discharged into local Class III

MSW Landfills as of the end of January 2004. From regional trends in the waste disposal data (see Attachment B-6c), it appears that the maximum rate of disposal was associated with cleanup of the Scripps Ranch area (327 homes destroyed) during November and December 2003. Debris removal and cleanup work in the unincorporated areas of the County (approximately 3,000 homes/structures destroyed) are expected to generate significantly more debris/wastes for disposal at a much slower pace and cleanup taking place over a period of months or years.

The Regional Board LDU staff will continue to work with State and local agencies, and Landfill operators to resolve debris/waste management issues associated with Regional wildfire recovery efforts.

7. Potential Conflict: Control of West Nile Virus and Storm Water and 401 Certification Programs *(Pete Michael)*

On January 28, 2004 Pete Michael attended a meeting in Santa Fe Springs to address the effects of construction and operation of structural and operational best management practices (BMPs) related to wetland mitigation and storm water treatment. The meeting was sponsored by the Greater Los Angeles Vector Control District, which serves more than forty cities in a large inland portion of Los Angeles County. The meeting was well attended by vector control, storm water, and other agencies. During the meeting, this key issue was raised: If conflicts arise between protection of wildlife habitat, preservation of water quality beneficial uses, and protection of human health, does the California Health and Safety Code take precedence over the Fish and Game Code and Water Code?

Several speakers addressed the impending increase in West Nile Virus cases expected to occur in California during 2004. Many species of mosquitoes found in southern California are potential vectors, and health officers are concerned about the spread of West Nile Virus from infected mosquitoes to birds, horses, and humans. The most important source of mosquito-breeding habitat is undisturbed standing water, such as that found in thick beds of cattails; loose rip rap for storm water energy dissipation; covered concrete percolation distribution boxes; and improperly designed, constructed, or maintained structural BMPs. Because of the presence of many small wetland preservation projects found throughout Los Angeles County urban areas, biting adult female mosquitoes with a flight radius of one to three kilometers have the potential of transmitting West Nile to humans in densely populated residential and commercial areas.

The director of a major vector control district observed that vector control districts have traditionally provided investigation and pest control services for commercial and residential properties within district jurisdictions, rarely invoking Health and Safety Code legal powers to compel corrective action by property owners. With the arrival of West Nile during the spring and summer of 2004, however, the speaker expects his agency will be forced to use all available legal authority to protect human populations. Because of the difficulty and futility of controlling adult mosquitoes, the emphasis will continue to be control of larval mosquitoes through elimination of undisturbed standing waters where mosquitoes breed. In the opinion of the director, protection of human health takes

precedence over protection of natural resources, at least in Los Angeles County. Clean Water Act issues, such as Section 401 certification and storm water, were not addressed in detail at the meeting. A Los Angeles Regional Board representative said storm water structural BMP conflicts would probably be resolved on a case-by-case basis.

Under the storm water NPDES program, the San Diego Regional Board has been consistent in instructing local agencies to avoid creating breeding locations for mosquitoes or approving structural BMPs which accumulate standing water. The Executive Officer will shortly send letters to the storm water NPDES co-permittees emphasizing the need to avoid the implementation of BMPs that might contribute to breeding of mosquitoes. For further information on mosquitoes and West Nile Virus, please visit these sites: <http://www.sdcounty.ca.gov/deh/chd/vector/vwnv.html>, <http://www.glacvcd.org/mosquito.htm> and <http://www.westnile.ca.gov/>.

8. Orange County Fire Ant Program in Jeopardy (*Pete Michael*)

The Orange County Fire Ant Authority needs emergency funding to continue operation after February 2004. Orange County Supervisor Bill Campbell called a January 27, 2004 meeting in Lake Forest inviting Orange County cities, county and state agencies, water districts, landowners, and businesses. Supervisor Campbell explained that he is trying to obtain state funding which could possibly begin in June 2004; however, even with the emergency funding the Authority must cease operation after February. The interim contribution goal listed in a handout distributed at the meeting showed shares of \$15,000 each for the San Diego and Santa Ana Regional Boards out of a total of \$612,000. The handout did not cite who determined the shares or how they were calculated. The request for funding has been forwarded to the State Water Resources Control Board Division of Financial Assistance. It is not clear what other state agencies might provide funding to assist the Orange County Fire Ant Authority.

The imported red fire ant became established in Texas and was imported to California. The entire County of Orange is now quarantined for this pest. In Texas, the fire ant attacks wildlife, farm animals, pets, and humans and has caused severe economic loss. Current costs in Texas, where 79 percent of Texans have been bitten, are \$151 per household per year. Should the fire ant escape quarantines in Orange County and portions of Riverside County, estimated costs per household in California could approach that amount. Fire ants are attracted to electrical currents, congregate in electrical underground vaults, and are found where water is present, including wetlands. The greatest infestations in Orange County are in irrigated areas, including residential landscaping, and golf courses. Orange County nurseries currently spend \$2 million per year to contain the pest. In contrast, because of the documented success of the Orange County Fire Ant Authority's program, the Authority expects the fire ant could be contained or eradicated in Orange County and California if continuous funding were provided.

There could be negative water quality implications for closing the Orange County Fire Ant Authority eradication program. Because the Authority actively searches for and

treats fire ant colonies using a two-step method promoted by Texas A&M University (four visits per site, application of a growth inhibitor to interrupt queen development, application of a slow-acting pesticide to kill workers, and tracking of colonies using a geographical information system), property owners would probably need to take action to control the fire ant. Home owners would probably buy over-the-counter ant poisons. Such fast acting pesticides could create impaired water quality in creeks and the reversal of county pesticide and storm water public education programs promoting reduction in the use of pesticides. The use of large quantities of fast acting ant poisons by homeowners, for example, could result in the rapid dispersal of up to a dozen queen ants per colony, causing rapid increases in the range of the fire ant. Should winged ants seek new locations for colonies, the fire ant may no longer be confined to Orange and Riverside Counties, and complete elimination in California may not be possible. Continued expensive control measures could then be required in the San Diego Region, throughout California, and in adjoining states and Mexico. Several attendees at the fire ant meeting expressed concern that inadequate resources have been provided for fire ant and vector control, and suggested that increased funding is necessary to avoid the spread of this invasive pest. See more about the fire ant at <http://www.ocfireant.com/>.

9. Las Pulgas Landfill: MCB Camp Pendleton (*Amy Grove and John Odermatt*)

On March 28, 2003, the Regional Board staff became aware that storm events occurring during February 2003 resulted in significant damage to the on-site storm water conveyance system and severe erosion of side-slopes on the waste containment system/waste management unit (WMU) at the Las Pulgas Landfill. On April 8, 2003, the Regional Board staff performed a compliance inspection for the Las Pulgas Landfill at MCB Camp Pendleton. During the compliance inspection a number of problems were observed, including the following:

Severe damage was noticed at the storm water conveyance drains (“24-inch down-drains”) located on south facing side-slopes of the Phase 1 waste management unit (WMU) at the Las Pulgas Landfill.

Slumping soils located on the south and west-facing slopes have resulted in surface exposures of the liner system, and possible damage thereto, at the WMU.

On April 21, 2003, the Regional Board issued the U.S. Marine Corps (USMC) a Notice of Violation - NOV (Order No. R9-2003-0154) for failure to notify the Regional Board of damage to the storm water conveyance system, impacts to the existing cover materials, the integrity of the waste containment structures at waste management unit, and other violations of waste discharge requirements (WDRs) in Order No. 2000-054.

On May 13, 2003, the Regional Board issued an investigative Order (Order No. R9-2003-0206) requiring the USMC to conduct a technical evaluation of the damage to the liner system and a report of corrective actions taken to repair the liner system. On December 16, 2003, the Regional Board received a technical report, prepared by Brown and Caldwell dated November 2003, entitled “Technical Evaluation of Soil Slumping and

Geosynthetic Liner Damage and Construction Quality Assurance Report for Liner Repairs at the Las Pulgas Landfill, Marine Corps Base Camp Pendleton.” The report identifies a number of apparent discrepancies between the as-built construction and the design specifications for construction of the Phase 1 expansion waste cell at the Las Pulgas Landfill. Some of those conditions are associated with violations of Order 2000-54 resulting in the Regional Board issuing another NOV (Order R9-2004-0044) to the USMC on January 30, 2004.

The Regional Board staff remains concerned that technical discrepancies in between the as-built construction and design specifications may result in conditions that could further compromise the integrity of the Phase 1 liner system, leachate collection and removal system (LCRS), and/or contribute to future slope stability problems at the Phase 1 expansion of the waste management unit. A telephone conversation on January 30, 2004 with USMC Base Environmental staff indicated the USMC is not currently using the Phase 1 expansion area for disposal of wastes and that they intend to initiate further technical evaluations of the liner system and LCRS at the Las Pulgas Landfill.

10. Valley Center Landfill – Cleanup and Abatement Order R9-2004-0039 *(Amy Grove and John Odermatt)*

On January 30, 2004, the Regional Board issued Cleanup and Abatement Order (CAO) No. R9-2004-0039 to the County of San Diego (the discharger) for the Valley Center Landfill. The CAO was issued in response to a continuing condition of groundwater pollution at the landfill and the need to mitigate conditions resulting in the creation of ground water seeps that have been observed adjacent to the waste management unit. During the previous two years (2001 to 2003), ground water monitoring reports provided by the County indicate that two of the groundwater seeps (VAL-SS-1 and VAL-SS-3), located adjacent to the downgradient end of the waste management unit, contain trace concentrations (up to 3.4 µg/L) of Chlorobenzene. In a report dated April 9, 2003, the discharger estimated that the groundwater seep at VAL-SS-3 was discharging up to 1 gallon-per-minute (gpm) of water into an adjacent surface water drainage course. On May 23, 2003, the Regional Board issued Notice of Violation (NOV) Order R9-2003-0212 to the discharger for water quality conditions at the Valley Center Landfill.

The California Code of Regulations [CCR Title 27, § 20080(g)] provides that persons responsible for discharges at waste management units that were closed, abandoned, or inactive on or before November 27, 1984 (CAI Units), may be required to develop and implement a Corrective Action Program. Order R9-2004-0039 is consistent with those requirements of CCR Title 27. The Order requires the discharger to develop a site conceptual model for the transport and discharge of waste constituents from the waste management unit, initiate an Evaluation Monitoring Program (EMP: pursuant to California Code of Regulations, Title 27, § 20425), develop corrective action program (CAP: pursuant to California Code of Regulations, Title 27, § 20430), provide the Regional Board with a Feasibility Study (FS) of possible remedial alternatives, and submit an amended Report of Waste Discharge (RWD) to the Regional Board by February 1, 2005.

The cover letter transmitting the CAO the discharger advises the discharger of their right to contest the issuance of Order R9-2004-0039.

11. Former Omar Rendering Site- Order R9-2003-0080 (*Brian McDaniel and John Odermatt*)

On March 27, 2003, the Regional Board issued an order (Order R9-2003-0080) for the cleanup and abatement of past waste discharges at the former Omar Rendering Site located in Chula Vista. In August 2003, the Regional Board signed a Site Remediation Agreement pursuant to the authorization granted by the Regional Board on April 9, 2003 (Resolution No. R9-2003-0139).

On December 19, 2003 the grading contractor encountered contaminated soils in proximity of the former surface impoundments located at the facility. According to the consultant, the stained soils were observed during a cut on the south-facing slope on Lot 11, northeast of the new Roma Court cul-de-sac. The stained soils were found on the bottom of the bench as the excavation proceeded. The soils on the bench were found to cover an area approximately 150 feet long by 15 feet wide. On the west side the stained soils were up to 3 feet thick. The eastern portion of the staining is composed of thin (2 to 3-inch thick) lenses of material. Excavation of soils stopped on January 5, 2004, when the stained soils were observed to remain beneath the slope at a location where further excavation would be difficult. Seven roll-off bins with excavated soil are stored on the site pending shipment to an offsite disposal facility. Some stained soils remain beneath the slope on the side of the existing bench and further east on the bottom of the bench. The presence of shallow contaminated soils had not been previously known to exist in the area of the site.

On January 15, 2004, the Regional Board staff attended a meeting on site to observe the field grading operation and discuss the management of the contaminated soils. During the period from January 9-16, 2004, the Regional Board received a number of emails, including attached preliminary chemical results, from the consultant and the Redevelopment Agency of Chula Vista. The preliminary results from chemical analysis were characterized by the consultant as being "fuel-hydrocarbon related" with low concentrations of volatile organic compounds, polyaromatic hydrocarbons (PAHs) and metals. In the absence of another decision by the Regional Board, those contaminated soils are required to be managed in accordance with the soils management plan for offsite disposal.

On August 30, 2003, the discharger submitted a Site Investigation Report for the former Omar Rendering Facility in compliance with Directive B.1 of Order R9-2003-0080. That directive of the order requires the discharger to include the following information in a comprehensive Site Investigation Report:

B.1 Characterization of wastes in source area: Characterization of the source area(s) of the pollutants of concern [as listed in Section B.2] including:

Location and delineation of soils or ground water which are polluted with mobile or immobile concentrations of nonaqueous phase liquids (*i.e.*, *NAPLs*),

Location and delineation of soils which are polluted with leachable concentrations of soluble pollutants, and

An estimate, including the technical basis, of the volume(s) of residual soils identified and delineated pursuant to Directives B.1(a) and B.1(b) above.

On December 30, 2003, the Regional Board received a Comprehensive Feasibility Study (FS) in compliance with Directive C.2 of Order R9-2003-0080. Most recently the consultant has submitted a proposal to the Regional Board and the Redevelopment Agency to leave the contaminated soils in place and develop/implement mitigation measures to minimize the long-term threat of the wastes to public health and water resources. The Regional Board staff recommends that the discharger prepare the following information to support their proposed management strategy for the recently discovered contaminated soils:

Prepare a technical addendum to the Site Investigation Report including the required information in Directive B.1 of Order R9-2003-0080,

Prepare a technical addendum to the FS Report including their proposed mitigation measures for long-term management of the contaminated soils.

The information requested for by the Regional Board staff is consistent with the requirements of Order R9-2003-0080. The requested information would allow the Regional Board staff to effectively evaluate the analytical results and the preliminary waste management proposal provided by the consultant.

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

No items to report in Part C this month.